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Customer Number

Patent  
Case No.: 59010US002

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

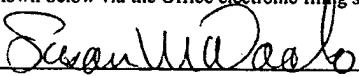
First Named Inventor: FLANNIGAN, PAUL J.  
Application No.: 10/719959 Confirmation No.: 3577  
Filed: November 21, 2003  
Title: RESPIRATORY FACEPIECE AND METHOD OF MAKING A FACEPIECE  
USING SEPARATE MOLDS

**RESPONSE TO NON-COMPLIANT APPEAL BRIEF**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**CERTIFICATE OF TRANSMISSION [37 CFR § 1.8(a)]**  
I hereby certify that this correspondence is being transmitted to United States Patent and  
Trademark Office on the date shown below via the Office electronic filing system.

February 26, 2008  
Date

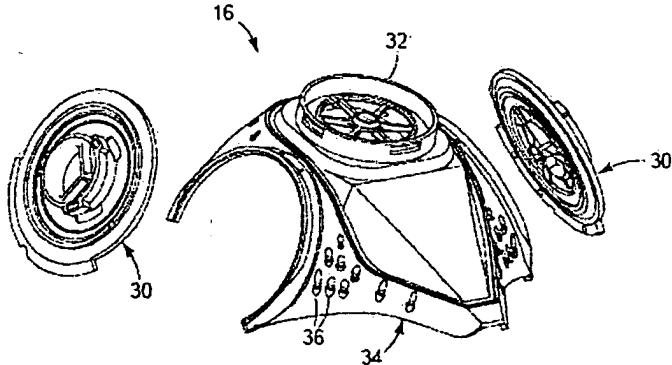
  
Signed by: Susan M. Dacko

Dear Sir:

In response to the Office Action mailed February 7, 2008, applicants submit the following explanation of the subject matter defined in each of the independent claims, referring to the specification by page and line number and to the drawings, by reference character.

**Claim 1**

As recited in claim 1, the present invention provides a new method of making a facepiece insert 16 that has at least one fluid communication component 30, 32:



***FIG. 3***

Applicant's method comprises: (a) providing a supporting portion 34 of a facepiece insert 16; (b) providing a fluid communication component 30, 32 separately from the supporting portion 34; and (c) securing the fluid communication component 30, 32 to the supporting portion 34 to form the facepiece insert 16 (page 2, lines 15-18; FIGs. 2 and 3).

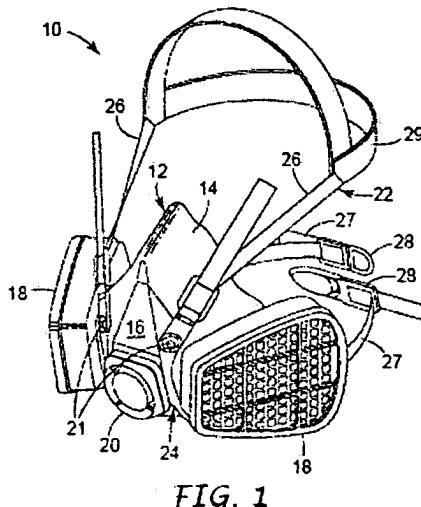
### Claim 13

As recited in claim 13, the present invention further provides a new facepiece insert 16 that comprises:

- (a) a supporting portion 34 of a facepiece insert 16; and
- (b) a fluid communication component 30, 32 that is non-integrally joined to the supporting portion (page 2, lines 21-24; FIGs. 2 and 3).

### Claim 22

As recited in claim 22, the present invention provides a respiratory mask 10:



The respirator 10 comprises:

- (A) a mask body 12 that includes:
  - (1) a facepiece insert 16 that includes:
    - (a) a supporting portion 34;

(b) at least one fluid communication component 30, 32 that is non-integrally joined to the supporting portion 34 and that is a critical tolerance component; and

(2) a compliant face-contacting member 14 that is non-integrally joined to the supporting portion 34 of the facepiece insert 16; and

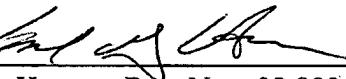
(B) a harness 22 for supporting the mask body 12 at least over a person's nose and mouth (page 4, line 27 to page 6, line 14, Figs. 1 and 2).

The patent appeals center specialist indicated that applicants did not need to resubmit the entire appeal brief. Accordingly, the above-noted explanation of the subject matter for independent claims 1, 13, and 22 is provided to satisfy the request in the February 7, 2008 communication. Accordingly, applicants believe that they have complied with the requirements of 37 CFR § 41.37(c)(1)(v).

Respectfully submitted,

February 26, 2008

Date

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